

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:07CR171
)	
v.)	
)	
HUGO GABRIEL GAVINO-CARDONA)	ORDER
and JOSE ANTONIO OCHOA-)	
GUZMAN,)	
)	
Defendants.)	
_____)	

This matter is before the Court on the report and recommendation of the magistrate judge (Filing No. 34), recommending that defendant Gavino-Cardona's motion to suppress (Filing No. 22) be denied and that defendant Ochoa-Guzman's motion to suppress (Filing No. 24) be denied. The magistrate judge granted Ochoa-Guzman's motion to sever (Filing No. 25).

The Court has reviewed the statement of objection to magistrate judge's report and recommendation (Filing No. 35) filed by defendant Ochoa-Guzman, together with the brief in support of said objection (Filing No. 36), and finds the report and recommendation should be approved and adopted. Accordingly,

IT IS ORDERED:

1) The report and recommendation of the magistrate judge is approved and adopted;

2) Defendant Ochoa-Guzman's objections thereto are overruled;

3) Defendants' motions to suppress evidence are denied;

4) Trial for Hugo Gabriel Gavino-Cardona is scheduled for:

Monday, October 22, 2007, at 9 a.m.

5) Trial for Jose Antonio Ochoa-Guzman is scheduled for:

Monday, November 5, 2007, at 9 a.m.

in Courtroom No. 5, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska. The parties will have time to prepare for trial or pursue plea negotiations, and the ends of justice will be served by continuing this case and outweigh the interests of the public and the defendant in a speedy trial. The additional time between September 17, 2007, and November 5, 2007, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 17th day of September, 2007.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court